UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL RUDOLPH FOUNDATION, INC., Plaintiff, -v- PAUL RUDOLPH HERITAGE FOUNDATION and ERNST WAGNER, Defendants.	CIVIL ACTION NO.: 20 Civ. 8180 (CM) (SLC) **ORDER**

SARAH L. CAVE, United States Magistrate Judge.

By letter dated June 17, 2021, Plaintiff requested a conference with the Court to resolve a discovery dispute between the parties. (ECF No. 48). Specifically, Plaintiff seeks an order compelling Defendants' compliance with Plaintiff's notice pursuant to Federal Rule of Civil Procedure 34(a)(2) to permit inspection of Defendants' computer server (the "58th Street Server"). (Id.)
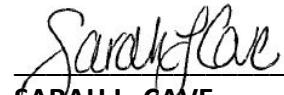
For the reasons stated on the record at the discovery conference held today, June 29, 2021, the Court finds that Plaintiff has failed to demonstrate that a forensic examination of the 58th Street Serer is warranted at this stage of the case. See Thompson v. Workmen's Circle Multicare Ctr., No. 11 Civ. 6885 (DAB) (HBP), 2015 WL 4591907, at *11 (S.D.N.Y. June 9, 2015) (denying request to conduct forensic examination of computer); Calyon v. Mizuho Sec. USA Inc., No. 07 Civ. 02241 (RO) (DF), 2007 WL 1468889, at *5–6 (S.D.N.Y. May 18, 2007) (denying without prejudice plaintiff's motion to compel production of defendant's computer hard drives for forensic inspection where the court was "not yet faced with any failure by the defendants to conduct a thorough forensic search of their computers, or to produce any and all relevant documents, files, metadata, and even hidden data fragments that [plaintiff may request."). As

discussed at the conference, the parties have not yet exchanged document discovery or taken

any depositions, and it is conceivable that Plaintiff can obtain the information it seeks through

such less intrusive means.

Accordingly, Plaintiff's request to compel the forensic inspection of the 58th Street Server

is DENIED WITHOUT PREJUDICE.

Dated: New York, New York
              June 29, 2021

                                          SO ORDERED.

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                                          SARAH L. CAVE
                                          United States Magistrate Judge